

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

GILBERT DEAN DAVIS,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-06-277-M
)	
JUSTIN JONES,)	
)	
Respondent.)	


ORDER

On April 28, 2006, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that the petition for a writ of habeas corpus be transferred to the Tenth Circuit Court of Appeals pursuant to 28 U.S.C. §§ 1631 and 2244(b)(3)(A) and that petitioner's motion to appoint counsel be denied. Petitioner was advised of his right to object to the Report and Recommendation by May 18, 2006. On May 15, 2006, petitioner filed his objections.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on April 28, 2006;
- (2) DENIES petitioner's motion to appoint counsel [docket no. 9]; and
- (3) TRANSFERS the petition for a writ of habeas corpus to the Tenth Circuit Court of Appeals pursuant to 28 U.S.C. §§ 1631 and 2244(b)(3)(A).

IT IS SO ORDERED this 19th day of May, 2006.


VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE